

Article - Environment

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§14–508.

(a) Within 90 days following the completion of the public hearing under § 14–507 of this subtitle, and after receiving the advisory comments and recommendations of the Secretaries of Natural Resources, Business and Economic Development, and Transportation and the Director of Planning, the Secretary shall decide whether to grant, grant conditionally, or deny the permit. The Secretary's decision shall be in writing and based upon the economic and environmental statement, the public hearing record, and a determination that the applicant has shown satisfactorily that the facility:

(1) Conforms with and meets all applicable air, water, noise, and solid waste laws of the State as determined and certified in writing by the appropriate State unit with jurisdiction over these laws;

(2) Conforms with adopted or approved county or local land use planning and the official county or local comprehensive zoning map;

(3) Conforms with the State development plan, if such plan has been lawfully approved and adopted;

(4) Would have no material adverse effect upon the natural environment of the area, its scenic or natural beauty, rare or irreplaceable natural resources, or unique historic sites;

(5) Would not be so located or constructed as to have a material adverse effect upon the public health, safety, or welfare;

(6) Would not be a potential or immediate undue burden on the water supply of the site or region;

(7) Would not materially contribute to an extant level of undue environmental degradation or resource exhaustion;

(8) Conforms with any coastal zone management program developed by the State of Maryland pursuant to the federal Coastal Zone Management Act of 1972;

(9) Would have no material adverse effect upon critical areas identified and designated pursuant to § 5–611 of the State Finance and Procurement Article and Title 1, Subtitle 4 or Title 3 of the Land Use Article;

(10) Would not impose, directly or indirectly, a substantial burden on existing State, regional, or county public facilities beyond their respective capacities, or that new public facilities, if necessary, either:

(i) Would not be completed in time to serve the facility; or

(ii) Would be inadequate to serve the facility without causing overloading of the public facilities; and

(11) Evidences fewer undesirable environmental, economic, fiscal, and cultural consequences in its specific or general proposed location than other specific or general locations.

(b) (1) The Secretary shall adopt regulations as provided in this subsection.

(2) Procedural regulations adopted under this subsection shall:

(i) Provide for notice to interested persons of any decision to issue or deny a permit; and

(ii) Permit a person to file a petition for judicial review in accordance with the provisions of § 5–204 of this article.

(c) The Department shall periodically inspect, and the applicant shall allow such inspection, to determine if the terms of the granted permit are being met.

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